



Commonwealth
of Pennsylvania

July 11, 2025

Honorable Gerald A. McHugh
U.S. District Court
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
Via ECF

Re: Busanet v. Wetzel, et al., 21-4286 (EDPA)

Dear Judge McHugh:

In discussing the distribution of discovery materials generated in the Busanet matter, the parties have reached a dispute as to two discrete categories of documents. Those documents are inmate grievances and Extraordinary Occurrence Reports (“EORs”). Inmate grievances are the device by which inmates can address issues they experience within the institution. EORs are reports generated following non-routine events, such as fights, medical emergencies, escape attempts, self-harm incidents, etc. EORs include a description of the event, individual reports authored by involved staff, medical records, photographs, and other potentially sensitive information. Counsel for the Plaintiff has asserted that the pro se plaintiffs should receive all 831 grievances and ten EORs as part of the discovery distribution. Counsel for Defendants would prefer to provide each pro se plaintiff with a chart reflecting the grievances and EORs previously distributed and allow those individuals to request copies of the grievances and EORs that relate to them specifically.

The 831 grievances produced address a variety of subjects, including mental health treatment, conditions of confinement, issues with staff, and other sensitive topics. Defendants’ reluctance to produce these grievances is based upon the content, which contains descriptions of mental health issues and medical needs, allegations of sexual harassment, and other personal information. It would be inappropriate for the pro se plaintiffs to possess documentation about such matters involving other inmates. Secondarily, inmates are explicitly prohibited from possessing documents related to other inmates, which is considered contraband property. See DC-Adm 815, Section 3(C)(1)(o).¹

¹ DC-ADM 815 is available on the Department’s website for review at:
<https://www.pa.gov/content/dam/copapwp-pagov/en/cor/documents/about-us/doc-policies/815-personal-property-state-issued-items-etc..pdf>

The ten EORs produced each relate to a self-harm event or suicide attempt occurring in the capital units. Defendants are disinclined to produce these documents to the pro se plaintiffs for reasons similar to those asserted as to the grievances. In addition, the EORs contain after action material that describes the Department's protocols for responding to various incidents, including information related to cell extractions and negotiations, the use of equipment and the division of responsibilities amongst responsive team members. At a minimum, if this Court were to direct that the EORs be produced, they should be subject to redaction to address these substantial security concerns.

Furthermore, the pro se plaintiffs should not require all these materials to prosecute their cases. Successfully establishing the remaining Eighth Amendment and Americans with Disabilities Act ("ADA") claims requires only that the individual pro se plaintiffs present evidence that they experienced substandard conditions of confinement, a lack of sufficient mental health treatment, and were denied appropriate accommodations under the ADA. Their own grievances, or EORs related to them, could potentially be useful in that regard. But grievances filed by other inmates, or EORs in which they were not involved, would not likely support these claims for relief. As pled, it is the individualized experience of each pro se plaintiff that is central to their separate actions.

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Cc: All counsel of record by ECF